

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 2967 OF 2021

Baldevsingh Gangaram Pal

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Sagar Bhandare, Advocate appointed through Legal Aid for the
Petitioner

Mr. K.V. Saste, APP for the Respondent - State

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 18 NOVEMBER 2021

P.C. :-

The application of the Petitioner seeking Emergency (Covid-19) Parole was rejected by the Respondent – Authorities by the impugned order on the ground that the Petitioner was not granted parole or furlough earlier.

2. Reference is made to Rule 19(1)(C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959. This ground

given in the impugned order has already been held to be unlawful by various decisions of this Court referred to in the order passed by the Division Bench in the case of *Roshal Ali Din Mohmed Mukhiya Shaikh v. State of Maharashtra*¹. The Division Bench in those Petitions set aside the order and directed the Respondent - Authorities to take a fresh decision.

3. Accordingly, the impugned order is quashed and set aside and the Respondent- Authorities are directed to take a fresh decision as per law within a period of five weeks and inform the Petitioner accordingly.

4. Writ petition is disposed of accordingly.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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by JYOTI
PRAKASH PAWAR
Date: 2021.11.24
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¹ Cri.WP No.2115/2021 & Ors. decided on 28 October 2021.